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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,014	07/24/2000	LOTHAR KUMPEL	21527	4353

535 7590 12/31/2002

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EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/601,014

Applicant(s)

KUMPEL, LOTHAR

Examiner

Louis K. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002 and 22 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 22, 2002 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for each display device to be integrated with the position detector, does not reasonably provide enablement for the integration between the display device and the position sensor. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. The specification does not provide enough support for an ordinary skilled person in the art to integrate the display device with the existing position detector since such integration would require more than just a simple hooking up an electrical connector, it would require means for decoding signals sensed by the existing position detector, means for converting the signals into readable codes for the displaying device, etc.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, lines 2-3: "the blanks" lacks proper antecedent basis.

Claim 7, lines 12-13: "a respective display device at each machine element connected to the computer for showing the respective difference" is indefinite for it unclear whether the display device is a plurality of display devices each physically located, positioned and/or mounted to the respective machine element or is a single device capable of displaying information at each respective machine element.

Claim 11 is not understood as to why a computer inherently having a microprocessor that is capable of calculating millions of operations per second would require a plurality of individual calculators at each position sensor for determining the respective difference.

Claim 12, line 2: "the position detector" lacks proper antecedent basis.

Claim 12 is vague and indefinite for it is unclear as to the structural/functional relationship between the displaying device and the position detector as they are integrated.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 7-12, as best understood, are rejected under 35 U.S.C. 102(b) as anticipated by Roch et al. (US 4,847,775).

Roch discloses an apparatus for making folded containers including: machine elements (gluer jaws, creasing conveyors and folders, see Figure 7) for acting on a box blank; position sensors connected to a calculating unit (134) via a control bus (32) for detecting the actual positions of the machine elements (column 5, lines 46-49); a memory unit (135) connected to the calculating unit (134) via the control bus (32); and a touch screen display device (26) which displays graphically or alpha numerically necessary information at each respective machine element so that the respective machine element can be adjusted by an operator (column 2, line 66 – column 3, line 10).

With respect to claims 11 and 12, the position sensors, the calculating unit and the displays are integrated within a system for monitoring the registration of the blank in the disclosed machine for making folded container.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Roch et al. (US 4,847,775) in view of Gorgens et al. (US 3,742,233).

Roch discloses an apparatus for making folded containers including: machine elements (gluer jaws, creasing conveyors and folders, see Figure 7) for acting on a box blank; position

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sensors connected to a calculating unit (134) via a control bus (32) for detecting the actual positions of the machine elements (column 5, lines 46-49); a memory unit (135) connected to the calculating unit (134) via the control bus (32); and a touch screen display device (26) which is capable of displaying graphically or alpha numerically necessary information at each respective machine element so that the respective machine element can be adjusted by an operator (column 2, line 66 – column 3, line 10). The Roche machine meets all of applicant's claimed subject matter but lacks the specific teaching of a respective display device at each machine element.

However, Gorgens discloses an old and well known motion sensor having a display device integrated therein for detecting and instantly displaying the relative movement of a machine element.

Therefore, it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the Roch machine by having provided a local display device integrated with a position sensor at each machine element, as taught by Gorgens, so that in further support to the central display device an inspector on the floor can conveniently check the movement of the respective machine element as the machine element is adjusted.

### ***Response to Arguments***

10. Applicant's arguments filed November 05, 2002 have been fully considered but they are not persuasive. Applicant contends that the claimed invention is an improvement for an old box folding machine and is distinct from a new and centralized control box folding machine. This is not found persuasive because a box folding machine, improved or new, having satisfying the claimed structural limitations would anticipate the claimed invention. In this case, Roch

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discloses a box folding machine which satisfies the structural limitations of the claimed invention.

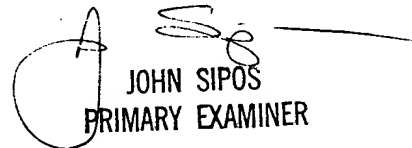
***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

LH  
December 19, 2002

  
JOHN SIPOS  
PRIMARY EXAMINER